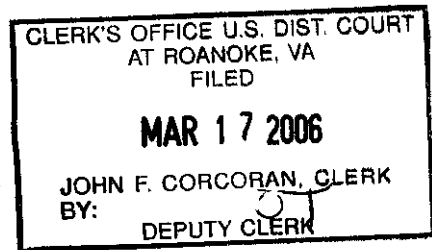


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



MARK ANTHONY TEAL,
Plaintiff,

)
) Civil Action No. 7:04-CV-00406
)

) **FINAL ORDER ADOPTING REPORT**
) **AND RECOMMENDATION**
)

v.)

) By: Samuel G. Wilson
) United States District Judge
)

WARDEN D.A. BRAXTON, et al.,
Defendants.

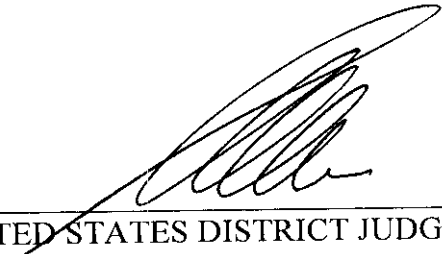
Mark Anthony Teal brings this suit pursuant to 42 U.S.C. § 1983, claiming that the defendants used excessive force against him, subjected him to cruel and unusual conditions of confinement, deprived him of personal property without due process, and retaliated against him for filing grievances. The defendants filed a motion for summary judgment, and the court referred the matter to United States Magistrate Judge Michael F. Urbanski pursuant to 28 U.S.C. 636(b)(1)(B) for a report and recommendation. The Magistrate Judge filed a report and recommendation, finding that Teal's claims lacked merit, recommending dismissal, and recommending the assessment of a strike pursuant to 28 U.S.C. 1915(g) against Teal because his claims are exaggerated and frivolous. Teal filed timely objections.

The court has reviewed the Magistrate Judge's report, pertinent portions of the record, and Teal's objections, which are little more than a restatement of the allegations in his complaint and subsequent pleadings. It is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's report be **ADOPTED** in its entirety, that the defendants motion to dismiss be **GRANTED**, that Teal's suit be **DISMISSED** and **STRICKEN** from the active docket of the court, and that Teal be assessed a **STRIKE** pursuant to 28 U.S.C. 1915(g).

The Clerk of the Court is directed to send certified copies of this order to the plaintiff and

to counsel for the defendants.

ENTER: This 17th day of March, 2006.



UNITED STATES DISTRICT JUDGE